

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
CHARLES MICHAEL KEE, :  
:  
Plaintiff, : 20cv1840 (DLC)  
:  
-v- :  
:  
UNITED STATES OF AMERICA, :  
:  
Defendant. :  
:  
----- X

DENISE COTE, United States District Judge:

Charles Michael Kee filed this petition for return of seized property on February 8, 2019, and did not pay the required filing fees or seek waiver of those fees.<sup>1</sup> On March 3, 2020, the Court issued an order directing Kee to either pay the fees or seek IFP status by filing an application to proceed in forma pauperis ("IFP application") and prisoner authorization. On March 30, 2020, Kee submitted an IFP application, but he did not submit a prisoner authorization.<sup>2</sup> An Opinion and Order of

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<sup>1</sup> Kee filed this petition on in his closed criminal case in February 2019. As explained below, Kee's petition is properly construed as a new civil action in equity. Accordingly, on February 28, 2020 the petition was opened as a new civil case and assigned the above-captioned civil docket number.

<sup>2</sup> A prisoner authorization directs the facility where the prisoner is incarcerated to deduct the \$350.00 filing fee from the prisoner's prison trust fund account in installments and to send to this court certified copies of the prisoner's account statements for the past six months.

May 4 granted Kee's IFP application and directed him to submit a prisoner authorization. On May 18, Kee submitted his prisoner authorization.<sup>3</sup> Accordingly, it is hereby

ORDERED that the Government shall submit its response to the February 2019 petition by **July 10, 2020**.

SO ORDERED:

Dated: New York, New York  
June 10, 2020

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DENISE COTE  
United States District Judge

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<sup>3</sup> The May 18 authorization was received and docketed on May 28.